

PROPOSAL INSTRUCTIONS

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Before completing a proposal, carefully read and consider these instructions, the concessions contract document, the exhibits to the concessions contract document, and the proposal package, as well as the other information in this Prospectus, its appendix and any other documents to which it refers.

1. Response Period for Submission of Proposals

- a. This Prospectus is issued under the authority of 36 CFR Part 51. In the event of any inconsistency between the terms of this Prospectus and 36 CFR Part 51, 36 CFR Part 51 will control.
- b. All persons that submit a proposal in response to this Prospectus are presumed to be informed of the provisions of 36 CFR Part 51.
- c. Proposals must be received within 60 calendar days from the date this Prospectus was announced. Specific dates are shown on the front page of the Proposal Package. Proper public notice has been given, as required by Part 51 of Title 36 of the Code of Federal Regulations. The National Park Service (NPS) considers that 60 days is a sufficient response time taking into account the limited scope of services to be provided under this Contract.
- d. Only an Offeror submitting a responsive proposal is eligible to be awarded the new concessions contract. A responsive proposal means a timely submitted proposal that is determined by the Director as agreeing to all of the minimum requirements of the new concessions contract and this Prospectus and as having provided the information required by this Prospectus. The minimum requirements for the new concessions contract are identified in Part A of the Proposal Package. Offerors must agree in their signed Transmittal Letter to the minimum requirements of this Prospectus as identified in Part A, and provide the information required by Part B on all subfactors in order for the proposal to be considered responsive.

2. Form in Which Proposal Must Be Submitted

Offerors must follow the format provided in the Proposal Package, including in its entirety without alteration the "Offerors's Transmittal Letter," in applying for the concessions opportunity. Failure to submit the signed Offerors' Transmittal Letter without alteration (except for filling in the indicated blanks) will make your proposal non-responsive. Complete the Proposal Package in full, following the instructions in the Proposal Package portion of this Prospectus.

Please number each page and section in your completed proposal according to its corresponding location in the Proposal Package. Feel free to add any relevant information to your proposal, while staying within the organizational framework in the Proposal Package.

3. Where and How to Submit a Proposal

- a) Submit 6 (six) identical hard copies of the completed proposal package and one electronic copy, identical to the hard copy. In order to facilitate discussion and review of proposals among evaluation panel members, the electronic copy must be in a format that can be shared, copied, and passed easily. Microsoft Office programs or an Adobe PDF electronic version that allows for copying and pasting of text using Adobe Reader software is acceptable. However, you must provide all financial spreadsheets in Microsoft Excel. In the event of a discrepancy between the electronic copy and the hard copies, information on the hard copies will control.
- b) Enclose copies of the completed proposal package in a sealed envelope with the following marked on the envelope:
 - (1) "CONCESSION PROPOSAL, MAILROOM DO NOT OPEN"
 - (2) The due date specified by the Service in the Prospectus for receipt of the proposal.
 - (3) The name and address of the Offeror.
- c) The Service, at the appropriate address, must receive proposals by the time and date shown on the front page of this Prospectus.

4. Proposals Considered Public Document

- a) All proposals submitted in response to this Prospectus may be disclosed by the Department of the Interior to any person, upon request, to the extent required or authorized by the Freedom of Information Act (5 U.S.C. 552).
- b) If you believe that your proposal contains trade secrets or confidential commercial and financial information exempt from disclosure under the Freedom of Information Act, mark the cover page of each copy of the proposal with the following legend:

The information specifically identified on pages of this proposal constitutes trade secrets or confidential commercial and financial information that the Offeror believes to be exempt from disclosure under the Freedom of Information Act. The Offeror requests that this information not be disclosed to the public, except as may be required by law.

You must specifically identify what you consider to be trade secret information or confidential commercial and financial information on the page of the proposal on which it appears, and you must mark each such page with the following legend:

This page contains trade secrets or confidential commercial and financial information that the Offeror believes to be exempt from disclosure under the Freedom of Information Act, and which is subject to the legend contained on the cover page of this proposal.

- c) Information so identified will not be made public by the Department of the Interior except in accordance with law.

5. Questions

If you do not understand something in this Prospectus, you must submit your question in writing to the contact person noted on the cover of the Proposal Package, no later than 30 days in advance of the submittal date. The NPS will respond to your question in writing, and will provide the question(s) and response to all potential Offerors who have requested a Prospectus. Questions submitted after this date will not be answered because the NPS must provide equal information to all Offerors, there must be sufficient time allowed to inform all interested parties of such questions and answers.

6. Evaluation of Proposals and Selection

a. The Director will apply the principal selection factors and the secondary factor set forth in CFR 36 Section 51.17. by assessing each timely proposal under each of the selection factors on the basis of a narrative explanation discussing any subfactors when applicable and other supporting quantitative information.

b. For each selection factor the Director will assign a score that reflects the determined merits of the proposal under the applicable selection factor and in comparison to the other proposals received, if any.

The first four principal factors will be scored from zero to five. The fifth principal selection factor will be scored from zero to four (with a score of one for agreeing to the minimum franchise fee contained in this Prospectus). The secondary factor will be scored from zero to three. The secondary factor 2 will be scored from zero to three. The Director will then determine the cumulative point score for each proposal based on the assigned score for each selection factor.

c. Principal Selection Factors. The five principal selection factors are:

Principal Selection Factor 1. The responsiveness of the proposal to the objectives, as described in the prospectus, of protecting, conserving, and preserving resources of the park area;

Principal Selection Factor 2. The responsiveness of the proposal to the objectives, as described in the prospectus, of providing necessary and appropriate visitor services at reasonable rates;

Principal Selection Factor 3. The experience and related background of the Offerors, including the past performance and expertise of the Offerors in providing the same or similar visitor services as those to be provided under the concessions contract;

Principal Selection Factor 4. The financial capability of the Offerors to carry out its proposal;

Principal Selection Factor 5. The amount of the proposed minimum franchise fee, if any, and/or other forms of financial consideration to the Director. However, consideration of revenue to the United States will be subordinate to the objectives of protecting, conserving, and preserving

resources of the Park area and of providing necessary and appropriate visitor services to the public at reasonable rates.

Selecting the best proposal. The NPS will select the proposal with the highest cumulative point score as the best proposal. If two or more proposals receive the same highest point score, then the Director will select as the best proposal (from among the proposals with the same highest point score) the responsive proposal that the Director determines on the basis of a narrative explanation will, on an overall basis, best achieve the purposes of 36 CFR Part 51. Consideration of revenue to the United States in this determination and in scoring proposals under Principal Selection Factor 5 will be subordinate to the objectives of protecting, conserving and preserving resources of the Park area and of providing necessary and appropriate visitor services to the public at reasonable rates (36 CFR §51.16(c)).

Right of Preference

PREFERRED OFFERORS DETERMINATIONS.

A Preferred Offerors is a concessioner that the Director has determined is eligible to exercise a right of preference to the award of a qualified new concessions contract in accordance with 36 CFR §51.27. A right of preference is the right of a preferred Offerors, if it submits a responsive proposal for a qualified concessions contract, to match the requirements of the terms and conditions of a competing proposal that the Director has determined to be the best responsive proposal. The Director has determined that each of these new concessions contract are qualified new concessions contract as annual gross receipts are not estimated to be greater than \$500,000 in the first 12 months of each of the contracts and the existing concessioner were satisfactory concessioners during the term of their concessions permits. Therefore, the existing concessioners have been determined to be a Preferred Offerors for the new Contract.

Congressional Review

Contracts issued for a term of more than ten years, or when the annual gross receipts are anticipated to exceed \$5,000,000, are required by law to be submitted to the Congress for sixty days before they may be awarded. The new concessions contract will not be submitted to the Congress because anticipated gross receipts do not exceed \$5,000,000 and the term anticipated are less than 10 years.

Cautions to Offerors about Submission and Evaluation of Proposals

1. All information regarding each Prospectus will be issued in writing. No NPS or other government official is authorized to make substantive oral representations relating to any of these prospectuses and no Offerors should rely on any oral representations made by government officials with respect to these prospectuses.
2. The proposal includes the selection factors to be used by the NPS to evaluate proposals. Under each factor, the NPS identifies subfactors to ensure that all elements of the factor are considered.

You, the Offeror, should ensure that you fully address all of the selection factors and related subfactors.

3. This Prospectus and related documents reflect the views and objectives of the NPS with regard to the proposed concession operation. Should you believe any statement in this Prospectus to be inaccurate, you must submit comments to the NPS in writing, no later than thirty days prior to the due date for proposals. Send your comments to the office named in the cover of this Prospectus for the receipt of proposals.
4. The information provided in this Prospectus, including the Appendix, is provided to allow Offerors to understand the operations and terms of the new concessions contract. Offerors are encouraged to thoroughly review all information and required submittal documents before beginning to prepare a proposal. In the event of any inconsistencies between this Prospectus and 36 CFR Part 51, 36 CFR 51 should prevail.
5. Any proposal(s) to expand the scope of facilities and/or services beyond that identified in this Prospectus will not be considered in the evaluation of proposals.
6. Any proposal(s) to provide direct or indirect monetary or other benefits to the park or government beyond that identified in the prospectus will not be considered in the evaluation of proposals.
7. If you propose to make any financial commitments in response to any selection factor, your proposal will be closely reviewed and analyzed against your financial statements and supporting documents. Such documents reviewed and analyzed will include but not be limited to the pro forma income statements, balance sheets, and cash flow statements required in the proposal.
8. The proposal and related materials submitted should reflect the entire proposal you are making. The NPS will consider your written submission as your full and final proposal in response to this Prospectus, and will make its selection based on the written information you have submitted. Do not assume that the NPS knows anything about you or your proposal. Do not assume that any information about you or your proposal, previous correspondence or previous submissions are in the possession of or will be considered by the NPS. This is true even if you are the current concessioner or have operated another concession within the Park area.
9. The draft concessions contract and its exhibits (A-E), which set forth the terms and conditions under which the concession operation is to be conducted, are attached. The Director may amend a prospectus and/or extend the submission date prior to the proposal due date. The Director may also cancel a solicitation at any time before the award of the concessions contract if the Director determines in his/her discretion that this action is appropriate in the public interest. No Offerors or other person will obtain compensable or other legal rights as a result of an amended, extended, canceled or resolicited solicitation for this concessions contract. (36 CFR §51.11).
10. Except as provided under 36 CFR Section 51.47 (which calls for a final administrative decision on preferred Offerors appeals prior to the award of a contract), the terms, conditions and

determinations of this Prospectus and the terms and conditions of the proposed concessions contract described in this Prospectus, including, without limitation, its minimum franchise fees, are not final until the concessions contract are awarded.

11. The Director may request from any Offerors who has submitted a timely proposal a written clarification of its proposal. Clarification refers to making clear any ambiguities that may have been contained in a proposal, but does not include amendment or supplementation of a proposal. An Offeror may not amend or supplement a proposal after the submission date unless requested by the Director to do so, and unless the Director provides all Offerors that submitted proposals a similar opportunity to amend or supplement their proposals.
12. The selected Offerors, including any Preferred Offerors, must execute the concessions contract promptly after selection of the best proposal and within the time established by the Director. If the selected Offeror fails to execute the concessions contract within the time period specified by the Director, the Director may select another responsive proposal for award of the concessions contract, or may cancel the selection and resolicit solicitation for the new concessions contract.
13. Document delivery services, including overnight delivery, to some areas may not provide true overnight delivery. Offerors are encouraged to insure the timely submittal of proposals by contacting the delivery service of their choice regarding delivery availability for the specific location specified on the front page of this Prospectus.
14. The NPS, in accordance with 36 CFR Part 51, may include, as terms of a new concessions contract, appropriate elements of the proposal selected for award of the concessions contract.
15. Offerors are responsible for undertaking appropriate due diligence with respect to this business opportunity. All of the statements made in this Prospectus regarding the nature of the business and its likely future revenues are only opinions of the NPS. Offerors should not rely on any representations of the NPS in this regard.